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In re Application of :
Alan N. WILLSON et al. :
Application No. 09/938,978 : DECISION GRANTING PETITION
Filed: August 24, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. G&C 31006.2-US-U1 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 24, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 3, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained before the expiration of the maximum extendable period for reply. Accordingly, the above-identified application became abandoned on September 4, 2004.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the extension of time submitted on January 24, 2005 was subsequent to the maximum period obtainable for reply, this fee cannot be accepted to extend the period. Therefore, the \$55 extension of time fee has been credited to counsel's deposit account.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of June 3, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Betsy Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2124 for appropriate action on the concurrently filed amendment.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy